IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 14812 of 2006(L)

---

PETITIONER:

---

1. DEEPA K.NAIR, DEVI VIHAR,
THURAVOOR P.O. CHERTHALA.

2. SREEKUMAR P.R. KRISHNA KRIPA,
KUTHIATHODU P.O. CHERTHALA.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.PETER JOSE CHRISTO

RESPONDENTS:

---

1. THE DEPUTY DIRECTOR (EDUCATION),
ALAPPUZHA.

2. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, OFFICE OF THE
KERALA PUBLIC SERVICE COMMISSION, PATTOM P.O.
THIRUVANANTHAPURAM. 4.

3. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
ALAPPUZHA, THONDANKULANGARA P.O.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
GOVERNMENT PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/07/2007, ALONG WITH WPC NO. 18528 OF 2006 WPC NO. 6534 OF 2007 WPC NO. 5457 OF 2007 , WPC NO. 8832 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP.14812/2006)

EXT.P1: TRUE COPY OF RANKED LIST IN MATHRUBHOOMI.

EXT.R1(A): TRUE COPY OF GOVT. ORDER.

EXT.R1(A): PHOTOCOPY OF LIST OF HSA (HINDI) TEACHERS.

**A.K. Basheer, J.**

**- - - - - - - - - - - - - - - - - - - - - - - - - -**

**W.P(C) Nos. 14812 & 18528/2006**

**&**

**5457,6534 & 8832/2007**

**- - - - - - - - - - - - - - - - - - - - - - - - - -**

**Dated this the 26th day of July, 2007.**

**J U D G M E N T**

These writ petitions are being disposed of by this common judgment since the issue involved in them is the same.

2. Petitioners are enlisted for appointment to the post of High School Assistant (Hindi) in Alappuzha District. It is the admitted position that the validity of the ranked list published by the Kerala Public Service Commission has expired on March 24, 2007. It is the common case of the petitioners that the Department had refused to report all the available vacancies to the Commission at the appropriate stages when those vacancies arose.

3. On the contrary, it is contended by the Department that all available vacancies were reported. However it was noticed that as against 23 vacancies set apart for direct recruits, 48 candidates were appointed. I do not propose to go into the areas of controversy in these writ petitions at this stage since all of them fall within the realm of disputed questions of fact. If a decision is to be taken in these writ petitions, it will have to be necessarily on the basis of the facts and figures available in the files of the Department. It is true that some data has been furnished by the petitioners and the Department. But those facts and figures are not sufficient enough to come to a conclusion as to whether the contentions raised by the petitioners are valid or justifiable or whether the stand taken by the Department is correct or not. In my view, the only option left is to issue an appropriate direction

to the Director of public Instruction to depute a senior Officer in the Department not below the rank of a Joint Director to call for and scrutinise the entire records of the district concerned and take a decision in the matter. Ordered accordingly. This shall be done as expeditiously as possible at any rate within 4 months from the date of receipt of a copy of this judgment. The Officer shall ensure that an authorised representative of the petitioners is given an opportunity to be heard . The order to be passed by the Officer shall be communicated to the petitioner.

4. It is brought to my notice that 10 vacancies have been reported to the Commission during the pendency of these writ petitions, of course with a direction not to advise the candidates without obtaining orders from this Court. If ultimately the Authorised Officer finds that posts are available for recruitment under the direct recruitment quota, such vacancies shall be reported to the Commission for advice and appointment.

5. It is made clear that I have not considered the merit of any of the contentions raised either by the petitioners or the Department.

Petitioners shall produce a certified copy of the judgment along with a copy of the writ petitions, counter affidavit and all other annexures before the Officer for compliance.

**A.K. Basheer**
**Judge.**

**an.**